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REMARKS

Applicant has carefully reviewed the Office Action dated July 26, 2005. Claims 1-11 and 15-20 are pending in this application. Applicant has amended Claims 1 and 17 - 20 to more clearly point out the present inventive concept. Reconsideration and favorable action is respectfully requested.

Response to examiner's comments on Applicant's arguments

Applicant notes that the Examiner has provided a response to the previous arguments filed by Applicant in the Response on May 16, 2005. Applicant will comment with respect to these.

With respect to paragraph 4 of the Office Action, the Examiner indicates that *Stern* provides a method and system in which kiosks must be programmed not only with visual information, but with instructions regarding how to display the visual data and set up input devices. The Examiner refers to Column 7, lines 55-60 of the specification which is set forth as follows:

Operation of the system 10 is controlled using a computer program product that is executed to processor 32 and server 28. The computer program code can be written in any conventional computer readable programming language, for example, 800assembly language, C, C++, Pascal, Fortran or others. Suitable program code is entered into a single file, or multiple files, using a conventional text editor, and stored or embodied in a computer usable medium, such as the memory 34, and the server 26. If the entered code text is in a high level language, the code is compiled and the resultant compiler code is then linked with an object code of compiled Windows™ library routines. To execute the linked, compiled Windows™ library routines. To execute the linked, compiled object code the *system user invokes the object code*, causing the processor 32 to load the code in the memory 34. The processor 32 then reads and executes the code to perform the tasks identified in the program. (*Emphasis added*)

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It can be seen that this portion of the *Stern* specification is directed towards the concept that the user must invoke the object code in order to load the code to memory. This appears to be nothing more than the fact that the user must turn the system on. The Examiner then goes on to state that there is some operation at the server for determining what type of advertisement and *control* information is to be included in various distribution files that are to be distributed to multiple stores. To support this, the Examiner refers to Column 9, lines 1-10, which is as follows:

The builder module 350 is responsible for creating distribution files 352 from based upon parameter present in the distribution table of the distribution database 302 which are ultimately sent to each store 28. To that end, the builder module 350 analyzes of the NMC database according to parameters present in the distribution table *to determine the advertisement and control information to be included in the distribution files 304*. If necessary the builder module also generates scripts. The distribution files, along with any additional scripts generated by the builder module, are compressed into a single file for distribution to multiple stores, creating compressed data 354. *(Emphasis added)*

This portion of the specification in *Stern* is directed toward the operation at the server wherein the "builder module" is operable to create these distribution files. This is merely information that "configures" each of the sites, and then control information is sent thereto along with content, but there is no mention that this is a control signal that in and of itself "controls" anything other than to define a sequence of output files to be output from a particular kiosk or Listening Post (LP). Again, this portion of the *Stern* specification is directed toward nothing more than assembling information that is to be sent to a particular remote site to provide the various configuration information thereto.

The Examiner indicates that the distribution of these scripts to the various nodes is based upon instructions from the distribution editor module. The Examiner cites Col. 8, lines 43-65 and the associated text description as follows:

The distribution editor module 300 is responsible for initiating the

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distribution of the *advertisement and control information* to the retail store 28 and comprises of a database 302 and a user interface (not shown) for creating and viewing distribution tables in the database 302 which contain records to be disseminated to the retail store 28. Specifically, the distribution editor module 300 performs look up routines on NMC.tbl\_Groups.Group\_NamesNMC.Scripts.Script\_ID fields. Although the data may be accessed employing a database program, it is preferred to employ a Borland Database Engine and an Access ODBC driver (not shown). To generate distribution tables, a target group name from the 'Groups' table is identified. Stores 28 within the target group and content assigned to that group will receive information therefrom. In addition, a date identifying a delay in distribution will be included, with no date indicating immediate transmission the records. Other parameters may also be included in the distribution tables, such as a date range from which to select content to be distributed and/or removed from the distribution table, and a script definition identifier for the sites 30. Upon creation of the records in the distribution tables, the builder module 350 commences the functions associated therewith. (*Emphasis added*)

This particular section distributes advertising and control information for the purpose of populating a database. As such, this distribution editor module has the sole purpose of transferring information to a remote database for the purpose of storing that database. There is no operation in the transfer that provides any control element that is operable to control anything or action. The control information that is transferred is activated by a store activating the kiosk or LP and then executing the local code associated therewith. When this code is executed, the control information is then determinative of the order in which files are output from the kiosk or LP.

The Examiner indicates in paragraph 4 of the *Office Action* that the script files includes "advertising information and control information such as order and sequence of the aforementioned files." This is set forth in Col. 9, lines 49-60 as follows:

Also the difference table information is used to create all necessary files used for textual information. The textual script files are in the Window.ini file format for each script definition. These files include UPC.INI—where UPC is the UPC code of the CD title. Each script file contains all the information employed by a particular site 30 to execute predefined functions associated therewith. The information includes advertising information such as the names and paths of video

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files, audio files, and graphic files, *control information such as order and sequence the aforementioned files*, as well as textual data to be displayed on a monitor at the site 30, provided on is present. Examples of script file formats are as follows: *(Emphasis added)*

This particular section sets forth that the particular script files contain information that is utilized at a particular site (30) for the purpose of executing predefined functions associated therewith. This, therefore, comprises instructional code or the such. The information specifically contained within the script files is set forth as including at least advertising information in the form of video files, audio files and graphic files. In addition, it sets forth that this information in the script file can contain control information. This control information is set forth as "order and sequence of *[sic]* the aforementioned files." These scripts and how they relate to the sequence is further set forth in Col. 17, beginning at line 4 wherein it states:

For example, at a Kiosk 70, the site module 500 may include computer code to facilitate playback of MPEG-2 MPEG-1 videos arranged in a *sequence according to the scripts specified in the distribution file 352. (emphasis added)*.

As such, these scripts are clearly referring to the control information as just a way to order the database. This is for the purpose of facilitating playback. Scripts are typically a fairly rigid sequence of instructions that define particular instructions, such that certain information can be output.

In paragraph 4 of the Office Action, the Examiner refers to the site module 600 wherein the Examiner has indicated that it is set forth in the specification that it "interprets script files" and the Examiner further indicates that the script file contains instructions that define the behavior and content of this site module. This is set forth in the specification at Col. 17, lines 10-50 as follows:

Alternatively, the videos may be displayed *in response to consumer interaction with the kiosk 70*. A consumer may employ the light sensor 82 to scan product UPC codes.

Specifically, the site module 600 interprets script files, playing digital video and audio files (MPEG-1 and MPEG-2) and responding to consumer actions

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through a network communication with an optionally attached Listening Post device.

The script file contains instructions that define the behavior and content of the Site module 500. The file is built at the NMC by the Builder Module and transmitted along with each new distribution. It defines which previewable UPC titles will be available, which advertising and attract videos are to played and in what order, as well as the behavior of the software to consumer commands from the Listening Post.

Content is either MPEG audio or video, text labels, or static graphics. Video files are either title previews, attract videos, or bumper videos. Static graphics are either full-screen bumper graphics, full-screen title background screens, or smaller graphics for various screen elements (bumper icons, arrow graphics, album covers, consumer error notifications). There are two modes of behavior, 'Attract' mode and 'Scan' mode. In attract mode, the video files defined in the script are played in order according to the attract portion of the script. In scan mode, the commands in the scanscript portion of the script are executed.

Consumer scans of titles and track/volume button presses are communicated from the Listening Post via IP. A TCP connection is established with device and track buttons are received and responded to during scan mode. Volume push buttons are always responded to as the volume is adjusted.

Script files associated with the site module 500 are as follows:

Script File-Playback behavior is driven by the script file. This file is read and parsed at startup. It is a text file in the Windows INI format. It contains the following: (*Emphasis added*)

This particular section is related toward the site module 500 which is set forth in Fig. 4 as being the in-store portion thereof. This site module is directed toward how the particular system will operate from the Listening Post. There are two modes of behavior for this site, the "Attract Mode" and the "Scan Mode." In the Attract Mode, video files defined in the script are played in the order according to the Attract Mode portion of the script. In the Scan mode, commands in the scan portion of the script are executed. The Scan Mode is where a consumer scans titles or presses buttons at the Listening Post. Once the consumer either scans a title or presses a button, a TCP/IP connection is established. Again, this is nothing more than a text file that is executed upon some condition happening, typically some action on the part of a consumer. In the Attract portion, there is nothing more than an output provided. In the Scan mode, there must be some action on the consumer's behalf to initiate this action.

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With respect to paragraph 5 of the *Office Action*, the Examiner specifically addressed Applicant's previous position that *Stern* did not disclose the release of a control signal that is part of a broadcast and which control signal is in association with the visual cue. The Examiner states that *Stern* teaches the sending of a visual cue (advertisement information) and control information (scripts that control the Kiosk) that are associated with visual information (scripts tell the Kiosk the order and time of showing advertisements) and also control the computer (Kiosk runs the script). The Examiner indicated that if the only control provided is by the user, then the *Stern* Kiosk would be inactive for the operation of scanning a UPC. The Examiner has referred to Col. 6, lines 35-50 for the premise that the user, upon receiving a visual information cue, scans a UPC code and, as such, this must constitute some other control before the scanning process. This section of the specification is set forth as follows:

Typically, the sites 30 receive digital information corresponding to products proximate thereto. For example, with respect to site 30c, the digital information made available thereto is present in memory 76. The information contained therein is operated on by the processor 74 to provide a sensory event/stimulus to a consumer proximate to a kiosk 70. The processor 74 may be initiated in one of several manners to provide the stimulus. In one manner, a barker routine may periodically run which provides either an audio or visual stimuli or both to obtain the attention of a consumer proximate to the kiosk 70. In this manner, a consumer may be made aware of the information available by the kiosk. Should a consumer desire to obtain additional information about a product, the light sensor 82 would be employed to scan a UPC code on the product, at step 110. This would result in a description of the product being displayed on the monitor 72 which may be accompanied by an auditory description of the same on the speakers 76, at step 112. In a similar fashion, a barker routine may be employed to create visual display on the television monitors 60 associated with said 30a which could describe the functions of the kiosk 70. Audio/video kiosks 70 allow users to preview audio and video samples.

This section deals with the "Barker" routine. This is nothing more than operating in the Attract Mode wherein an announcement is made from a Kiosk to attract the individual to that Kiosk to possibly see a display, view a video and even be provided the ability to push buttons or to scan a UPC code on a product. Applicant does not disagree that the Kiosk is operable and that there is

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some type of script controlling the operation thereof to either operate in the Attract Mode or the Scan Mode; rather, Applicant just notes that there is no operation wherein an initial cue is broadcast in association with the control information such that the visual cue can be displayed to the user for the primary purpose of attracting them and indicating that a control signal will subsequently follow that will control the operation of some event, such as controlling the display of a computer or gaining information through web access. Applicant does not see that such exists in the disclosure of *Stern*. This will be described in more detail herein below.

**Response to substantive rejections**

Claims 1-7, 16-18, and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by *Stern et al.*, U. S. Patent No. 6,591,247. This rejection is respectfully traversed with respect to the amended claims.

Applicant's present inventive concept, as defined by the amended claims, is directed toward a system wherein two things are presented to the user during a broadcast. The first is a visual cue and the second is a control signal that is broadcast for the purpose of controlling the computer without the user being involved in this control process. The control signal is prevented from being transmitted prior to the transmission of the animation. The animation or visual cue is used to attract the user to the display from which information is being broadcast. The visual cue is then followed by a control signal, which control signal is then operable to control the computer. This control is picked up by an input device for input to the computer.

The Examiner has indicated in paragraph 9 of the *Office Action* that *Stern* provides a visual cue during the presentation apparent to the consumer. Claim 1 requires that a visual cue be provided "during" the presentation that is broadcast to the consumer that indicates a relationship between the visual cue and the presence of a location on a network. For the presentation of the visual cue, the Examiner relies upon the description of Col. 6, lines 35-45. This portion of the *Stern* specification deals with providing a sensory event/stimulus to a consumer who is proximate to a Kiosk. This is described as the "Barker" routine that will attract the consumer to the Kiosk.

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This is the Attract Mode of operation. In the Summary of the Invention portion of the specification, at Col. 3, lines 59-62, the stimulus is set forth as being provided by playback of digitally encoded information and the stimulus may be auditory, visual, olfactory, etc. This, therefore, is stored information at the Kiosk. The Examiner also states that this visual cue is *indicative* of a relationship between the visual cue and the presence of the location on the network, finding support at Col. 6, lines 45-60. This portion of the *Stern* specification deals with the Scan Mode of operation wherein a consumer, when they desire to obtain additional information about a product, can utilize a light sensor to scan a UPC code on the product. As such, the description of the product would then be displayed on the monitor and possibly also accompanied by an auditory description thereof. There is nothing in this portion of the specification that in any way shows that the Scan Mode of operation is associated with that of the Attract mode of operation. In fact, further review of the specification seems to indicate that the Attract mode and Scan mode are alternative modes of operation. In Col. 17, lines 4-10, *Stern* describes that the Attract mode of operation is entered to facilitate playback of videos that are arranged in a sequence according to the scripts specified by distribution files. Alternatively, as set forth in Col. 17, beginning at line 10, the videos are displayed in response to the Scan mode of operation. At Col. 25, beginning at line 4, the Attract mode of operation is described which occurs when a consumer is not interacting with the Kiosk. Alternatively, as set forth in Col. 25, beginning at line 12, the Scan mode of operation occurs when a consumer performs a product UPC scan. There is only one place in the specification indicating that the Attract mode is utilized to cause the user to scan a UPC code, that being the description at Col. 6, lines 35-50, as follows:

Typically, the sites 30 receive digital information corresponding to products proximate thereto. . . . . In one manner, a barker routine may periodically run which provides either an audio or visual stimuli or both to obtain the attention of a consumer proximate to the kiosk 70. In this manner, a consumer may be made aware of the information available by the kiosk. *Should a consumer desire to obtain additional information about a product, the light sensor 82 would be employed to scan a UPC code on the product, at step 110. This would result in a description of the product being displayed on the monitor 72 which may be accompanied by an auditory description of the same on the speakers 76, at step 112. . . . . (Emphasis Added)*

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Further, if a UPC is scanned and is not recognized by the Kiosk, then the Attract mode is reset and resumed. (Col. 26, lines 29-33). Thus, *Stern* does not disclose the visual cue being indicative of any relationship between that visual cue and the presence of any location on a network. It is merely an output that is provided to a user in the form of a sequence of video files for the purpose of attracting a consumer to the site of the Kiosk when that consumer is proximate to the site, which may possibly be followed by an interactive session with the consumer.

The Examiner also states that the step of releasing the control signal is described at Col. 8, line 65 - Col. 9, line 10 and it is a part of the broadcast, supported by the specification at Col. 9, lines 1-10. In the claims, the control signal is part of the broadcast and is associated with the visual cue. Further, this control signal in the claims has contained therein control information for the purpose of enabling and controlling the computer to access the location on the network upon appearance of the visual cue and receipt of the control signal during the broadcast. The portion of the specification of *Stern* that the Examiner is referring to is that associated with the distribution editor and the builder module. The distribution editor is operable to distribute advertisement and control information. This is information that is sent to the various Kiosks as part of building a database at the Kiosk. The primary purpose of *Stern*, as set forth at Col. 3, lines 43-47, is to distribute advertising to regions associated with those products and ensure that the consumer is ready to perceive the message content of the advertisement. This is not what one would consider to be a conventional broadcast, that being the manner in which the information is distributed to the Kiosk. This information is distributed primarily for the purpose of storing information that is specific to products disposed about or associated with the location of a Kiosk, i.e., a particular region in the store. As set forth in Col. 9, lines 57-59, the control information is basically the order and sequence of the files, such as the MPEG files, that define the script that is to be played at a particular Kiosk. When the Attract Mode is entered at a particular Kiosk, this stored information is extracted and played at the Kiosk. Thus, if the visual information output by the Kiosk is considered to be the visual cue, the control information controls or at least is determinative of the output of that visual information. This is compared to the claim language wherein the control

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signal is utilized to control access to a network or enable a computer to gain access to a location on the network. There is no disclosure in *Stern* that this control information is in any way associated with a location on the network.<sup>1</sup> The portion of the specification relied upon, Col. 9, lines 49-60, does not disclose that this control information is part of the broadcast, which broadcast is certainly the presentation broadcast which actually comprises the visual cue. The control information in *Stern* is information that determines the sequence of the actual generation of the broadcast from that Kiosk and cannot be released during the broadcast of the visual information. Clearly, the control information is only determinative of the generation of the broadcast, and is received well before the broadcast, as opposed to being released *during* the broadcast. The Examiner refers to Fig. 4, element 450, the reception module, as controlling the step of releasing. This reception module is operable to move information in the distribution files to the appropriate Kiosk. This data file is transferred to the Site module 500. As described in Col. 17, beginning at line 1, the Site module is operable to initiate the stimulus to be perceived by the consumer. It is the computer code present at the site memory that is dependent upon the devices associated therewith which facilitate playback of the videos. Therefore, the various scripts which contain the control information are transferred to the Kiosk for storage thereat. There is no broadcast from the reception module 450 that would release a control signal during the broadcast for the purpose of enabling a computer. Further, if the transfer of data to a particular Kiosk were considered a broadcast, this would indicate that all Kiosks receive the same information. This is not the case, since each Kiosk will receive its own dedicated information and, further, this broadcast is not the broadcast that transmits the visual cue to the potential consumer. As such, Applicant believes that the Examiner is incorrect in that the broadcast occurs at the reception module 450.

For the portion of the claim where the control signal is recognized by the input device and the control information thereof is extracted, the Examiner refers to Col. 17, lines 5-50. This is

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<sup>1</sup> Although there is some discussion of a user accessing information, which may be received from some location on a network, as a result of viewing the visual information (Col. 6, lines 35-50), this access is user initiated and not controlled by anything output "during" the broadcast.

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where the Kiosk plays various scripts and outputs the various video and audio files associated therewith, the sequence of which is the subject of the control information that was stored therein. There is no step of "extracting" control information from a broadcast, as there is no broadcast since this is stored information. The control information was forwarded to the particular Kiosk by the reception module 450, which received its information from the builder module 350 at the central server. However, the more pertinent aspect of the Examiner's comments with respect to the application of *Stern* to Claim 1 is that the Examiner states that the extracted control signal is utilized to "enable and control" the computer to access a location on the network "upon" the appearance of the visual cue and receipt of the control signal during the broadcast of the presentation. The Examiner refers to Col. 9, lines 50-60 for the support of this position. This portion of the specification of *Stern* is associated with the description of the distribution files generated at the main server. Again, as described herein above, this control information is nothing more than information that will control the order and sequence of the files that are in a particular script. All they do is enable a computer to output a script. There is no disclosure that this control information is in any way associated with accessing a location on a network when the visual cue appears. Further, the broadcast of the presentation is when the visual cue is output, this being the video output. There is no disclosure that the control information is received "during" the receipt of this broadcast of the video and this would be impossible, since the control information has to be received prior to the presentation, since it controls the output of the presentation.

In view of the above arguments, Applicant believes that *Stern* does not anticipate or obviate Claim 1 and, therefore, respectfully requests the withdrawal of the 35 U.S.C. § 102(e) rejection with respect thereto.

With respect to Claim 2, Claim 2 depends from Claim 1 and, for the reasons described herein above, Claim 2 is believed to overcome the 35 U.S.C. § 102(e) rejection, the withdrawal of which is respectfully requested.

With respect to Claim 3, the Examiner indicates that *Stern* teaches the step of providing

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the visual cue prior to the step of releasing the control signal. The Examiner refers to Col. 8, lines 50-65. This portion of the specification is directed toward the distribution editor module. However, as set forth herein above, there is no disclosure of in any way providing during a broadcast a control signal prior to the output of the visual cue. This is inconsistent with the specification of *Stern*, as the control information is what determines the output of the visual cue, so the visual cue certainly cannot precede the output of the control information. Therefore, Applicant respectfully requests withdrawal of the 35 U.S.C. §102(e) rejection with respect to Claim 3.

With respect to Claim 4, this is dependent upon Claim 1 and, for the reasons described herein above, Applicant respectfully requests the withdrawal of the 35 U.S.C. §102(e) rejection with respect thereto.

With respect to Claim 5, the Examiner indicates that providing the visual cue and releasing the control signal occur simultaneously, relying upon the specification at Col. 16, lines 10-20 for support. This portion of the specification involves the operation of the reception module 450. This operation discloses that the reception module is operable to receive the compressed data in the distribution file, decompress the compressed data and delete information no longer valid. However, the claim specifies that the visual cue is provided "during" the broadcast presentation. The builder of the perception module processes the information well before any output of a visual cue. Clearly, any control information must occur prior to the output of the visual cue and, therefore, it can certainly not occur simultaneously, as the element determined by the control information is the output of the visual information. Therefore, Applicant respectfully requests the withdrawal of the 35 U.S.C. §102 rejection with respect to Claim 5.

With respect to Claim 6, the Examiner relies on the specification at Col. 9, lines 55-60, which describes the contents of a script file that is disposed at a particular site. This section of the specification does not describe that there is any particular temporal element to releasing the video files. However, if such were the case, this would be defined by the control information itself. Therefore, releasing of the control information has no temporal aspect thereto, since this control

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information is sent as a function of downloading of the distribution files, processing of those distribution files and routing the appropriate scripts to the appropriate Kiosk. As such, even though there may be a temporal aspect to the output of the visual cue, in the form of the "Barker" routine, there certainly is no temporal aspect to the transfer of control information and the control of the transferred information. Therefore, Applicant respectfully requests withdrawal of 35 U.S.C. § 102(e) rejection with respect to Claim 6.

With respect to Claim 7, the Examiner is relying upon the specification of Col. 12, lines 12-36 with the premise that the visual cue will be "animated" when accompanied by the control signal. In this portion of the specification, *Stern* indicates that the particular cabinet files will include audio and video information for products featured on the Kiosk. Such things featured would be compact diskettes, etc. However, there is no indication that there would be any animation of the visual cue that is anyway associated with or related to the control information. The only way the control information could affect this is through its inherit and necessary control or determinative function. It merely determines the sequence of the output of the video files. Thus, any animation would not occur when the visual cue is "accompanied" by the control signal but, rather, the control signal would be only determinative of the sequence in which the animation is to occur. However, the control signal must be present for the visual cue. Therefore, Applicant does not believe that any visual cue that could be output by *Stern* would be animated as a result of being accompanied by the control signal, since there is no disclosure that the video cue is accompanied by the control signal. As such, Applicant respectfully requests withdrawal of 35 U.S.C. § 102(e) rejection with respect to Claim 7.

With respect to Claims 16, 17, 18 and 20, these are dependent from Claim 1 and, for each that is described hereinabove, the withdrawal of 35 U.S.C. § 102(e) rejection is respectfully requested.

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stern* as applied to Claims 1 and 7 and further in view of *Portuesi*. This rejection is respectfully traversed.

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Applicant notes that the patent number cited by the Examiner, U.S. Patent No. 5,987,507, is not related to this case. Applicant believes that the correct number is U.S. Patent No. 5,987,509. For the purposes of this discussion, this is the reference that is being described.

The *Portuesi* reference illustrates the embedding of URLs into a video. The URL appears on the screen and the mouse pointer can then be placed over the URL to select the URL for access of information therefrom. Alternatively, a "hot spot" can be accessed wherein a certain area on the screen will have a URL associated therewith. However, Applicant does not believe that this constitutes any type of visual cue for the purpose of attracting the individual to the screen. For the hot spot, the user must know that it is a hot spot prior to placing the mouse thereover. Thus, the user cannot be attracted to a hot spot. With respect to the embedded URL if it is displayed, this does not move or it is not animated in accordance with Claim 7. Therefore, Applicant does not believe that the *Portuesi* reference discloses detaching one or more moving segments from a stationary portion of the visual cue, and traversing a path with each detached segment about the stationary portion of the visual cue to a predetermined position adjacent thereto. Therefore, Applicant respectfully requests withdrawal of 35 U.S.C. 103(a) rejection with respect to Claim 8.

With respect to Claim 9, the Examiner has taken Official Notice that the combination of *Stern* and *Portuesi*, although not disclosing that the visual cue forms an alphanumeric character and the moving segment resembles a punctuation mark is well known. Applicant does not believe that, in a computer networking environment, it was well known in the art to provide an alphanumeric character as a stationary portion of a visual cue and have the moving segment resemble a punctuation mark. The alphanumeric character provides a certain context that is not laudatory in and of itself to a user whereas the punctuation mark adds more "emphasis" to the character and would be directed toward drawing the individuals attention to that visual cue. This would be more so than if it were not a punctuation mark. Therefore, Applicant is unaware of any use of an alphanumeric character in the stationary portion of a visual cue with a moving punctuation mark in a computer networking environment. It is not common in a computer

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networking environment to even utilize visual cues in a broadcast of the nature set forth in the claim. As such, Applicant believes that Official Notice is improper to support the rejection of Claim 9. For those reasons, Applicant respectfully requests withdrawal of 35 U.S.C. § 103(a) rejection with respect to Claim 9.

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stern* and further in view of *Jenson, et al.* This rejection is respectfully traversed. Claim 11 is dependent from Claim 1 and the disclosure of *Jenson, et al.* does not cure the deficiencies noted hereinabove with respect to *Stern*. Therefore, Applicant respectfully requests withdrawal of 35 U.S.C. § 103(a) rejection with respect to *Jenson, et al.*

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over *Stern* in view of *Itoh, et al.* This rejection is respectfully traversed.

The Examiner indicated that what was being described was the reference to *Porteusi*, but this is believed to be an error. For the discussion of Claim 15, U.S. Patent No. 6,487,719 is being considered. Applicant has reviewed the portions of the specification that the Examiner has directed Applicant to, that being Col. 1, lines 5-15 and Col. 3, lines 27-54. *Itoh, et al.* is directed toward utilizing the video sync signal for the purpose of determining which channel is being viewed by the user. There is no disclosure of utilizing a light control signal for a control signal. As such, Applicant does not understand how the Examiner is applying *Itoh, et al.*, as this seems to be a non-analogous art to that associated with Claim 15. Therefore, Applicant respectfully requests withdrawal of 35 U.S.C. § 103(a) rejection with respect to Claim 16.

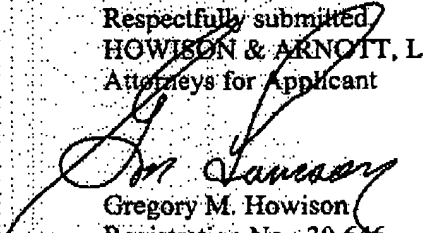
Claim 19 stands under 35 U.S.C. § 103(a) as being unpatentable over *Stern* and further in view of *Ludwig, et al.*, U.S. Patent No. 6,237,025. Claim 19 depends from Claim 1 and the disclosure of *Ludwig, et al.* does not cure the deficiencies noted hereinabove with respect to *Stern*. Therefore, Applicant respectfully requests withdrawal of 35 U.S.C. § 103(a) rejection with respect to Claim 19.

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Applicant has now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicant respectfully requests full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-25,509 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted  
HOWISON & ARNOTT, L.L.P.  
Attorneys for Applicant



Gregory M. Howison  
Registration No. 30,646

GMH/jlh/keb

P.O. Box 741715  
Dallas, Texas 75374-1715  
Tel: 972-479-0462  
Fax: 972-479-0464  
January 23, 2006

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